

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
Camden Vicinage**

CITY SELECT AUTO SALES, INC., a New Jersey corporation, individually and as the representative of a class of similarly situated persons,)	
)	Electronically Filed
)	
Plaintiff,)	Civil Action No.
)	11-cv-02658-JBS-KMW
)	
v.)	
)	
DAVID RANDALL ASSOCIATES, INC. and RAYMOND MILEY III,)	
)	
)	
Defendants.)	

**PLAINTIFF'S MOTION FOR EXTENSION OF TIME
TO FILE A REPLY BRIEF IN SUPPORT OF ITS
MOTION FOR CLASS CERTIFICATION**

NOW COMES the Plaintiff, City Select Auto Sales, Inc., ("Plaintiff"), by and through its attorneys, and moves for an order extending the time to file its reply in support of its Motion for Class Certification for one week, or from March 30, 2012 to April 6, 2012. Pursuant to Local Civ. Rule 7.1(d)(4), Plaintiff has not submitted a brief herewith in the interest of brevity, as Plaintiff's request for an extension of time does not raise complex questions of fact or law. In support of its Motion, Plaintiff alleges and states as follows:

1. Defendants' opposition to class certification was originally due on February 21, 2012; Plaintiff's reply was due 7 days later, on February 28, 2012. (Doc. # 18).
2. On February 14, 2012, Defendants moved for an automatic extension of time to respond to Plaintiff's Motion for Class Certification pursuant to Local Civ.

Rule 7.1(d)(5). (Doc. # 20). On February 20, 2012, the Court granted Defendants' request (Doc. # 22), and subsequently ordered that Defendants would submit their opposition to class certification by March 23, 2012 (Doc. # 29), with Plaintiff's reply due 7 days later, on March 30, 2012.

3. Defendants filed their opposition to class certification on March 22, 2012. (Doc. # 31).

4. For the following reasons, and despite its best efforts, Plaintiff does not believe it will be able to file its reply in support of class certification by March 30, 2012:

5. First, Defendants' brief is overlength. Local Rule 7.2 specifies that –

(d) **Each page of a brief shall contain double-spaced text** and/or single spaced footnotes or inserts. Typeface shall be in 12-point non-proportional font (such as Courier New 12) or an equivalent 14-point proportional font (such as Times New Roman 14). **If a 12-point proportional font is used instead, the page limits shall be reduced by 25 percent (e.g., the 40 page limit becomes 30 pages in this font).** Footnotes shall be printed in the same size of type utilized in the text [emphasis added.]

6. Defendants' opposition to class certification is 24 pages of *single-spaced* text, or approximately 48 pages double-spaced. Defendants' opposition appears to be in a 12-point proportional font. Therefore, the page limit for Defendants' opposition was 30 pages, double-spaced. Defendants have significantly exceeded that limit.

7. Second, Defendant's opposition raises highly fact-specific and complex issues, particularly regarding the adequacy of prospective class counsel. These arguments, which go above and beyond the scope of a typical motion for class certification, will require additional time and effort to address.

8. Counsel for Plaintiff has discussed this proposed 7-day extension of time with counsel for Defendants. Defense counsel does not object to Plaintiff's proposed extension of time.

9. This motion is not brought for purposes of harassment or delay, and Defendants will not be prejudiced by the granting of this motion.

WHEREFORE, Plaintiff City Select Auto Sales, Inc., respectfully requests that the Court enter an order, attached hereto as Exhibit A, granting it an extension of 7 days, or until April 6, 2012, to file its reply in support of Plaintiff's Motion for Class Certification.

March 29, 2012

Respectfully submitted,

CITY SELECT AUTO SALES, INC.,
individually and as the representative of a class of
similarly-situated persons.

By: s/Alan C. Milstein
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Attorneys for Plaintiff City Select Auto Sales, Inc.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that, on March 29, 2012, he caused a copy of the foregoing motion to be served upon all counsel of record using the ECF system.

s/Alan C. Milstein